

## **EXHIBIT 13**

DECLARATION OF J. CHRISTOPHER CARRAWAY IN SUPPORT  
OF DEFENDANT MICROSOFT'S MOTION TO STAY PROCEEDINGS PENDING  
COMPLETION OF THE REEXAMINATION OF THE PATENTS-IN-SUIT

EOO

4/10/02

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISIONFILED - CLERK  
U.S. DISTRICT COURT  
TEXAS EASTERN

02 APR 10 AM 10:01

VERITY INSTRUMENTS, INC.,

Plaintiff,

v.

LAM RESEARCH CORPORATION,

Defendant.

Civil Action No. 4:01CV32 BY *Jeri Scott*

Judge Paul Brown

**ORDER GRANTING LAM RESEARCH CORPORATION'S MOTION FOR A STAY  
PENDING REEXAMINATION**

Having considered Lam Research Corporation's Motion for a Stay Pending Reexamination and the objections of Verity Instruments, Inc. it is the opinion of this Court that a stay pending the results of the reexamination proceedings in the United States Patent Office is warranted.

As such, it is hereby ORDERED that all discovery and proceedings in this case are hereby STAYED until such time as the United States Patent Office has completed its reexamination of the patent in suit. Lam Research will promptly notify the parties and the Court when the reexamination proceedings have been completed. At that time a conference will be scheduled to develop a discovery plan for the case.

Signed this 9<sup>th</sup> day of April

, 2002.

Signed,

*Robert F. Jackson*

Judge Presiding

36

**U.S. District Court [LIVE]  
Eastern District of TEXAS LIVE (Sherman)  
CIVIL DOCKET FOR CASE #: 4:01-cv-00321-RAS**

Verity Instruments v. Lam Research  
Assigned to: Judge Richard A. Schell  
Demand: \$0  
Cause: 35:145 Patent Infringement

Date Filed: 10/19/2001  
Jury Demand: Plaintiff  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
10/19/2001	<a href="#">1</a>	Original Complaint filed. Cause: 35:145 Patent Infringement (tls) (Entered: 10/19/2001)
10/19/2001	<a href="#">1</a>	Demand for jury trial by Verity Instruments (tls) (Entered: 10/19/2001)
10/19/2001		Filing Fee Paid; FILING FEE \$150.00 RECEIPT #94612 (tls) (Entered: 10/19/2001)
10/19/2001		Summons(es) issued for Lam Research (tls) (Entered: 10/19/2001)
10/19/2001	<a href="#">2</a>	Corporate Disclosure Statement filed by Verity Instruments (tls) (Entered: 10/19/2001)
10/19/2001	<a href="#">3</a>	ORDER referring case to Magistrate Judge Robert W. Faulkner to handle all pretrial matters (copy file sent) (signed by Judge Paul Brown) cc:atty on 10/19/01 (tls) (Entered: 10/19/2001)
10/19/2001	<a href="#">4</a>	Form mailed to Commissioner of Patents and Trademarks. (tls) (Entered: 10/19/2001)
10/19/2001		Magistrate consent form mailed to Verity Instruments. (tls) (Entered: 10/19/2001)
11/07/2001	<a href="#">5</a>	Stipulated MOTION by Verity Instruments, Lam Research to extend time to answer complaint (sjs) (Entered: 11/08/2001)
11/13/2001	<a href="#">6</a>	ORDER granting [5-1] motion to extend time to answer complaint to 11/28/01 (signed by Magistrate Judge Robert W. Faulkner) cc:attys on 11/13/01 (tls) (Entered: 11/13/2001)
11/28/2001	<a href="#">7</a>	Notice of Deficiency regarding the mot to dism and to compel arbitration or to stay submitted by defendant Lam Research Correction should be made by 12/5/01 (no cert of svc) (tls) (Entered: 11/28/2001)
11/28/2001	<a href="#">8</a>	MOTION by Lam Research to dismiss the complaint , and to compel arbitration , or in the alternative to stay case pending arbitration (deficiency cured) (tls) (Entered: 11/29/2001)
12/03/2001	<a href="#">9</a>	Motion by Lam Research for Stephen J Rosenman to appear pro hac vice (tls) (Entered: 12/05/2001)
12/03/2001	<a href="#">10</a>	Motion by Lam Research for Saxon S Noh to appear pro hac vice (tls) (Entered:

		12/05/2001)
12/03/2001	11	Motion by Lam Research for Jeannine Y Sano to appear pro hac vice (tls) (Entered: 12/05/2001)
12/04/2001		PHV Filing Fees paid by attys Stephen J Rosenman, Jeannine Y Sano and Saxon S Noh; PHV FILING FEE \$75.00 RECEIPT #94686 (tls) (Entered: 12/05/2001)
12/10/2001	<a href="#">12</a>	ORDER granting [11-1] motion for Jeannine Y Sano to appear pro hac vice, granting [10-1] motion for Saxon S Noh to appear pro hac vice, granting [9-1] motion for Stephen J Rosenman to appear pro hac vice (signed by Magistrate Judge Robert W. Faulkner) cc:attys on 12/10/01 (tls) (Entered: 12/10/2001)
12/13/2001	13	Response by Verity Instruments to [8-1] motion to dismiss the complaint, [8-2] motion to compel arbitration, [8-3] motion to stay case pending arbitration (tls) (Entered: 12/13/2001)
12/18/2001	14	Reply by LAM Research to response to [8-1] motion to dismiss the complaint, [8-2] motion to compel arbitration, [8-3] motion to stay case pending arbitration (tls) Modified on 12/24/2001 (Entered: 12/18/2001)
12/21/2001	15	Sur-reply by Verity Instruments to [14-1] reply to resp to mot to dism/compel/stay (tls) (Entered: 12/24/2001)
01/04/2002	<a href="#">16</a>	ORDER, set management conference for 11:00 2/14/02 before Magistrate Judge Robert W. Faulkner (signed by Magistrate Judge Robert W. Faulkner) cc:attys on 1/4/02 (tls) (Entered: 01/04/2002)
02/01/2002	17	MOTION by Lam Research to stay pending reexamination (tls) (Entered: 02/04/2002)
02/08/2002	18	Notice of disclosure by Lam Research (tls) (Entered: 02/08/2002)
02/14/2002	19	Notice of disclosure by Verity Instruments (tls) (Entered: 02/14/2002)
02/14/2002		MANAGEMENT CONFERENCE held before Magistrate Judge Robert W. Faulkner (lab) (Entered: 02/14/2002)
02/14/2002	20	Joint MOTION by Verity Instruments, Lam Research for protective order (tls) (Entered: 02/15/2002)
02/15/2002	<a href="#">21</a>	Report and Recommendations of Magistrate Judge Robert W. Faulkner Re: [8-1] motion to dismiss the complaint, [8-2] motion to compel arbitration, [8-3] motion to stay case pending arbitration, recommending that the motion should be denied. Objections to R and R due by 2/25/02 (signed by Magistrate Judge Robert Faulkner) cc:attys on 2/15/02 (tls) (Entered: 02/15/2002)
02/15/2002	22	Fax noticing receipt of Report and Recommendation to attorney Robert Wayne Turner for plaintiff Verity Instruments 2/15/02 16:10. (tls) (Entered: 02/19/2002)
02/15/2002	23	Fax noticing receipt of Report and Recommendation to attorney Stephen J Rosenman for defendant Lam Research 2/15/02 15:57. (tls) (Entered: 02/19/2002)
02/15/2002	24	Fax noticing receipt of Report and Recommendation to attorney Jeannine Y Sano for defendant Lam Research 2/15/02 15:58. (tls) (Entered: 02/19/2002)
02/15/2002	25	Fax noticing receipt of Report and Recommendation to attorney Saxon S Noh

		for defendant Lam Research 2/15/02 15:57. (tls) (Entered: 02/19/2002)
02/15/2002	<a href="#">26</a>	Fax noticing receipt of Report and Recommendation to attorney Roy William Hardin for defendant Lam Research 2/15/02 15:57. (tls) (Entered: 02/19/2002)
<a href="#">02/15/2002</a>	<a href="#">27</a>	<a href="#">MOTION by Lam Research to stay pending reexamination (tls) (Entered: 02/19/2002)</a>
02/22/2002	<a href="#">28</a>	Docket Control Order setting Amend pleadings by 4/26/02 for Lam Research, for Verity Instruments (no mot for leave necessary before the deadline); Obtain Court approval of Expert witness list by 7/12/02 for Lam Research, 6/28/02 for Verity Instruments; Expert rpts to be exchanged by 8/26/02, with objections to be filed by 9/9/02; Discovery completion 8/26/02; Deadline for filing of all motions 11/15/02 for Lam Research, for Verity Instruments, except for dispositive motions which shall be filed by 9/13/02, with responses due 9/30/02; Pretrial order and any trial briefs to be submitted on or before 11/15/02 for Lam Research, for Verity Instruments; Jury selection begins 2/3/03; Jury instructions due by 11/15/02 for Lam Research, for Verity Instruments; Jury trial 2/3/03; Final pretrial at 9:00 1/24/03 for Lam Research, for Verity Instruments. Each side shall have 5 additional depos; The parties shall notify the court within 10 days of this Order whether an agreement can be reached on a stay of this action; total trial time 3 days (signed by Magistrate Judge Robert W. Faulkner) cc:attys on 2/25/02 (tls) (Entered: 02/25/2002)
02/26/2002	<a href="#">29</a>	Answer to original complaint by Lam Research (ttm) (Entered: 02/26/2002)
02/28/2002	<a href="#">30</a>	Response by Verity Instruments to [17-1] motion to stay pending reexamination (tls) (Entered: 02/28/2002)
03/04/2002	<a href="#">31</a>	Reply by Lam Research to response to [17-1] motion to stay pending reexamination (tls) (Entered: 03/05/2002)
03/11/2002	<a href="#">32</a>	Agreed PROTECTIVE ORDER granting [20-1] motion for protective order (signed by Magistrate Judge Robert W. Faulkner on 3/8/02) cc:attys on 3/11/02 (tls) (Entered: 03/11/2002)
03/11/2002	<a href="#">33</a>	Response by Verity Instruments to [17-1] motion to stay pending reexamination (tls) (Entered: 03/12/2002)
03/19/2002	<a href="#">34</a>	Change of address by attys for Lam Research to 2000 University Avenue, Palo Alto CA 94303 (tls) (Entered: 03/19/2002)
04/08/2002		Magistrate Report forwarded to Judge Paul Brown (former empl) (Entered: 04/08/2002)
04/09/2002	<a href="#">35</a>	Memorandum adopting Report and Recommendation of the US Magistrate Judge, denying [8-1] motion to dismiss the complaint, denying [8-2] motion to compel arbitration, denying [8-3] motion to stay case pending arbitration (signed by Judge Paul Brown) cc:attys on 4/10/02 (tls) (Entered: 04/10/2002)
<a href="#">04/10/2002</a>	<a href="#">36</a>	<a href="#">ORDER granting [27-1] motion to stay pending reexamination, granting [17-1] motion to stay pending reexamination. All discovery and proceedings are stayed until such time as the US Patent Office has completed its reexamination of the patent in suit. Lam Research will promptly notify the parties and the Court when reexamination proceedings have been completed, at which time a conference will be scheduled to develop a discovery plan for the case (signed by Magistrate Judge Robert W. Faulkner on 4/9/02) cc:attys on 4/10/02 (tls) (Entered:</a>

		04/10/2002)
12/30/2002	<a href="#">37</a>	ORDER, transferring case to Judge Schell ( signed by Judge Paul Brown ) cc:attys,Judge Schell with copy file (sjs) (Entered: 12/30/2002)
12/30/2002		Case assigned to Judge Richard A. Schell (sjs) (Entered: 12/30/2002)
02/24/2003	<a href="#">38</a>	ORDER, referring case to Magistrate Judge Don D. Bush ( signed by Judge John Hannah Jr. ) cc:parties on 3/6/03 (sjs) (Entered: 03/06/2003)
08/20/2003	<a href="#">39</a>	ORDER, to withdraw [38-1] order referring case to Magistrate Judge Don D. Bush ( signed by Judge Richard A. Schell 8-15-03 ) cc:attys on 8-20-03 (ttm) (Entered: 08/20/2003)
08/20/2003		CASE NO LONGER REFERRED TO Magistrate Judge Don D. Bush (ttm) (Entered: 08/20/2003)
01/21/2004	<a href="#">40</a>	Joint MOTION by Verity Instruments, Lam Research to change status to administratively closed (ttm) (Entered: 01/22/2004)
01/27/2004	<a href="#">41</a>	ORDER granting [40-1] motion to change status to administratively closed. It is ORDERED that this case be administratively closed. The dft shall promptly notify the pla and the court upon the completion of the reexamination of the patent in suit by the US Patent Office and req that the case be placed back on the court's active docket. ( signed by Judge Richard A. Schell ) cc: attys 1/27/04 (raf) (Entered: 01/27/2004)
01/27/2004		Case Administratively Closed (raf) (Entered: 01/27/2004)
01/06/2006		Shipped to FRC, Accession Number 021-06-0009, Location N3802841, Box 2 of 2. [For internal information only - case is either pending and imaged or closed.] (ttm, ) (Entered: 01/06/2006)
07/12/2006	<a href="#">42</a>	STATUS REPORT <i>Status Report regarding Reexamination Proceedings</i> by Lam Research Corporation. (Hardin, Roy) (Entered: 07/12/2006)
08/02/2006	<a href="#">43</a>	ORDER to Conduct Rule 26(f) Conference no later than 9/11/06 and file joint written Rule 26 Meeting Report due by 9/25/2006. Management Conference set at 9:00 am on Wednesday, 10/4/06 before Judge Richard Schell at US Courthouse Annex, 200 N Travis St Sherman, TX. Signed by Judge Richard A. Schell on 8/1/06. (ttm, ) Modified on 8/7/2006 (ttm, ). (Entered: 08/02/2006)
08/02/2006		Set Hearings: Management Conference set for 10/4/2006 09:00 AM before Judge Richard A. Schell. (ttm, ) (Entered: 08/07/2006)
09/08/2006	<a href="#">44</a>	NOTICE of Attorney Appearance by Paul Ward Schrier on behalf of Verity Instruments Inc (Schrier, Paul) (Entered: 09/08/2006)
09/11/2006	<a href="#">45</a>	NOTICE of Attorney Appearance by Amy Elizabeth Blackwelder on behalf of Verity Instruments Inc (Blackwelder, Amy) (Entered: 09/11/2006)
09/25/2006	<a href="#">46</a>	REPORT of Rule 26(f) Planning Meeting. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Turner, Robert) (Entered: 09/25/2006)
10/04/2006	<a href="#">49</a>	Minute Entry for proceedings held before Judge Richard A. Schell: Scheduling Conference held on 10/4/2006. (Court Reporter Jerry Kelley.) (dlp, ) (Entered: 10/10/2006)

10/05/2006	<a href="#">47</a>	SCHEDULING ORDER:Final Pretrial Conference and Trial Scheduling set for 8/13/2007 in Ctrm A01 (Sherman) before Judge Richard A. Schell. Amended Pleadings due by 2/15/2007. All fact Discovery shall be completed by 4/2/2007. Pretrial disclosure pursuant to FRCP shall be made by the plaintiff by 7/2/2007 and by the defendant by 7/16/2007. Expert Witness List due by 4/2/2007 for the party with the burden of proof and by 4/16/2007 for the party without the burden of proof. Depositions of expert witnesses shall be completed prior to 5/1/2007. Joinder of Parties due by 2/1/2007. Joint Proposed Jury instructions and Verdict Form due by 7/30/2007. Mediation Completion due by 5/1/2007;notify the court of the name, address, and telephone number of the attorney-mediator by 3/1/2007. Dispositive Motions due by 5/1/2007. Joint Final Proposed Pretrial Order due by 7/30/2007. All motions in limine to be filed by 7/16/2007. Signed by Judge Richard A. Schell on 10/4/2006. (baf, ) (Entered: 10/05/2006)
10/05/2006	<a href="#">48</a>	NOTICE by Lam Research Corporation <i>Designation of Lead Counsel</i> (Hardin, Roy) (Entered: 10/05/2006)
11/22/2006	<a href="#">50</a>	AMENDED COMPLAINT against Lam Research Corporation, filed by Verity Instruments Inc. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B)(Schrier, Paul) (Entered: 11/22/2006)
12/05/2006	<a href="#">51</a>	AMENDED ANSWER to <i>Complaint</i> by Lam Research Corporation. (Hardin, Roy) (Entered: 12/05/2006)
12/27/2006		Mail Returned as Undeliverable marked "RETURN TO SENDER - ATTEMPTED NO KNOWN - UNABLE TO FORWARD". Mail sent to Stephen J Roseman (dkt #47 Scheduling Order) (baf, ) (Entered: 12/27/2006)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
01/16/2007 12:20:30			
<b>PACER Login:</b>	ks0106	<b>Client Code:</b>	ms
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:01-cv-00321-RAS
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32